

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACQUELINE SMITH,

Plaintiff,

vs.

Case No. 2:10-CV-13470-PJD-MAR

Hon. Patrick J. Dugan

CO-OP OPTICAL SERVICES, INC., a Michigan nonprofit
corporation,

Defendant.

_____ /

The Deposition of RAYMOND MURPHY, was
taken before me, Karen E. Abraham, CSR-2942, Notary
Public in and for the County of Oakland, State of
Michigan, at 38505 Woodward Avenue, Suite 2000,
Bloomfield Hills, Michigan on December 20, 2010 at
10:00 a.m.

1 Do you think Smith should have been given another
2 chance?

3 A. No. I haven't thought about it.

4 Q. I'll let you think about it again.

5 A. I wouldn't be able to come to that fast a conclusion.
6 I would have to go back through the programs and all
7 the policies.

8 Q. Okay. So you don't know -- you don't have an opinion
9 if she should have been given another chance or not?

10 A. Not at this point, no.

11 Q. Okay. Did you vote on Jackie Smith's termination?

12 A. No.

13 Q. Why not?

14 A. I chair the meeting.

15 Q. You don't vote?

16 A. No, unless it's a tie vote.

17 Q. So you're the tie-breaking vote? You only vote if it's
18 a tie-breaking vote?

19 A. Right.

20 Q. Okay. What was the vote when Jackie was terminated?
21 Was it five-four?

22 A. I can't remember.

23 Q. No? Okay. Do you know if Jackie's vote was counted?

24 Let me back up. Do you know if Jackie voted?

25 A. Yes, she did vote.

1 Q. Who was in the conversation?

2 A. Sitting down talking with the CEO.

3 Q. How many people, just the three of you?

4 A. Three.

5 Q. What were you guys talking about? What was the purpose
6 of the meeting?

7 A. To try to bring the company back on track.

8 Q. And you guys were discussing layoffs?

9 A. Did we discuss layoff?

10 Q. Yeah.

11 A. I think we said something about laying people off after
12 the holiday or something.

13 Q. How many people was Co-Op contemplating laying off?

14 A. I don't remember at this point.

15 Q. Have you read the complaint? I might have to ask you
16 that.

17 MS. CAULEY: You asked it and he answered it.

18 Q. (By Mr. Young): Have you ever read the complaint in
19 this case?

20 A. No.

21 Q. Do you know that Ms. Smith is alleging that you grabbed
22 her rear end in January of 2010?

23 A. No.

24 Q. Did you ever grab her rear end in January of 2010?

25 A. No.